

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT GRUBERT; SARAH GRUBERT,

Plaintiffs,

v.

CALIBER HOME LOANS INC;

SHELLPOINT SERVICING,

Defendants.

Case No. 3:24-cv-05405-TMC


ORDER TO SHOW CAUSE

This matter comes before the Court on review of the record in this case. On May 24, 2024, pro se Plaintiffs Scott Grubert and Sarah Grubert initiated this case by filing their complaint. Dkt. 1. On May 30, the Court entered an Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions, and Early Settlement. The Order required the parties to submit a Joint Status Report and Discovery Plan (JSR) by August 21, 2024, pursuant to Federal Rule of Civil Procedure 26(f) and Local Civil Rule 26(f). Dkt. 2. The Order also explained that Plaintiffs are responsible for starting the communications needed to comply with the Order. *Id.* at 6. The August 21 deadline has passed and the parties have not filed a JSR, despite the Court also entering a notice to the parties on August 29, ordering them to file the JSR or face dismissal. Dkt. 9. Federal Rule of Civil Procedure 16(f)(1) provides that the Court, on a motion or on its

own, may issue “any just orders including those authorized by Fed. R. Civ. P. 37(b)(2)(A)(ii)–
(vii)” if a party “fails to obey a scheduling or other pretrial order.” Under Federal Rule of Civil
Procedure 37(b)(2)(A)(v), the Court may dismiss an action or proceeding in whole or in part for
failure to obey a court order. It is Plaintiffs’ responsibility to initiate communications for
compliance with the Court’s orders requiring a JSR and they have not done so. Accordingly,
Plaintiffs must show cause, if any, as to why this case should not be dismissed without prejudice
under Federal Rules of Civil Procedure 16(f)(1) and 37(b)(2)(A)(v).

Therefore, it is ORDERED that no later than September 20, 2024, Plaintiffs shall show
cause in writing as to why this case should not be dismissed without prejudice for failure to
comply with the Court’s scheduling order. Dkt. 2. *See* Fed. R. Civ. P. 16; LCR 16(a).

Dated this 6th day of September, 2024.



Tiffany M. Cartwright
United States District Judge